

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

J.M.G., appearing by PHYLLIS G.,
a parent having legal custody,

Plaintiff,

v.

ORDER
04-CV-486S

DEPEW UNION FREE SCHOOL DISTRICT,
BOARD OF EDUCATION OF THE DEPEW UNION
FREE SCHOOL DISTRICT,
EDWARD BALABAN,
JOSEPH C. FRANJOINE,
GEORGE J. KROETSCH, and
CHRISTOPHER SPENCER,

Defendants.

1. On May 6, 2005, Plaintiff filed a motion seeking approval of a settlement of the claim of an infant in the above-captioned case.

2. An action by or on behalf of an infant may not be settled or dismissed without leave of this Court. The procedures for obtaining such leave are set forth in Rule 41(b) of the Local Rules of Civil Procedure for the Western District of New York, which in turn refers to the applicable provisions of New York's Civil Practice Law and Rules ("C.P.L.R.").

3. This Court finds that: (1) good cause has been shown for the non-appearance of the infant Plaintiff; (2) neither a hearing nor the appearance of the infant Plaintiff is necessary to resolve the instant motion; (3) the payment of reasonable attorneys fees and disbursements as set forth in the supporting affirmations is approved pursuant to Local Rule 41(b)(3); (4) the distribution of the settlement monies is in conformity with

Local Rule 41.1(b)(4) and N.Y. C.P.L.R. §1206; and (5) the infant settlement and distribution of the settlement monies is in the best interests of the infant Plaintiff, J.M.G.

IT HEREBY IS ORDERED that Plaintiff's Motion for Leave to Settle the Claim of an Infant (Docket No. 20) is GRANTED and the infant settlement agreed upon by the parties is APPROVED.

FURTHER, that the payment of reasonable attorneys fees and disbursements shall be distributed in the manner specified in the Motion for Leave to Settle the Claim of an Infant.

FURTHER, that the payment of the balance of funds payable to the infant Plaintiff, J.M.G., shall be distributed in the manner specified in the Motion for Leave to Settle the Claim of an Infant.

FURTHER, this matter is dismissed with prejudice to each party.

FURTHER, the Clerk of the Court is directed to take the necessary steps to close this case.

SO ORDERED.

Dated: June 3, 2005
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge